

**SUPREME COURT MINUTES
MONDAY, FEBRUARY 23, 2009
SAN FRANCISCO, CALIFORNIA**

S023421**PEOPLE v. BUNYARD
(JERRY THOMAS)**

Opinion filed: Judgment affirmed in full

Opinion by: Moreno, J.

-----joined by: George, C. J., Kennard, Baxter, Werdegarr, Chin, and Corrigan, JJ.

S052288**PEOPLE v. HAMILTON
(BERNARD LEE)**

Opinion filed: Judgment affirmed in full

Opinion by: Moreno, J.

-----joined by: George, C. J., Kennard, Baxter, Werdegarr, Chin, and Corrigan JJ.

S110206**PEOPLE v. JACKSON
(MICHAEL ANTHONY)**

Time extended to consider modification or rehearing

The time for granting or denying rehearing in the above-entitled case is hereby extended to May 6, 2009, or the date upon which rehearing is either granted or denied, whichever occurs first.

S153846

G037375 Fourth Appellate District, Div. 3

**MEYER (PAMELA) v. SPRINT
SPECTRUM L.P.**

Time extended to consider modification or rehearing

The time for granting or denying rehearing in the above-entitled case is hereby extended to April 29, 2009, or the date upon which rehearing is either granted or denied, whichever occurs first.

S169060

B193733 Second Appellate District, Div. 8

**PEOPLE v. MARQUEZ
(JAVIER)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 3, 2009.

S169161 F053389 Fifth Appellate District **PEOPLE v. LOPEZ (VICTOR)**
The time for granting or denying review in the above-entitled matter is hereby extended to
April 2, 2009.

S169208 C051963/C051803 Third Appellate District **PEOPLE v. DAVIS (MICHAEL
AARON)**
The time for granting or denying review in the above-entitled matter is hereby extended to
April 5, 2009.

S169223 C056202 Third Appellate District **PEOPLE v. ALLMAN
(AARON RAY)**
The time for granting or denying review in the above-entitled matter is hereby extended to
April 2, 2009.

S169376 E041719 Fourth Appellate District, Div. 2 **PEOPLE v. LOPEZ (DANIEL
DAVID)**
The time for granting or denying review in the above-entitled matter is hereby extended to
April 3, 2009.

S169396 C054676 Third Appellate District **PEOPLE v. RUSHING
(KENNETH)**
The time for granting or denying review in the above-entitled matter is hereby extended to
March 30, 2009.

S169411 G038379 Fourth Appellate District, Div. 3 **PEOPLE v. MOSLEY
(STEVEN LLOYD)**
The time for granting or denying review in the above-entitled matter is hereby extended to
March 27, 2009.

S169430 C056856 Third Appellate District **PEOPLE v. HERNANDEZ
(ROGELIO TORRES)**
The time for granting or denying review in the above-entitled matter is hereby extended to
April 3, 2009.

S169451 F050882 Fifth Appellate District

**PEOPLE v. HERNANDEZ
(JOSE IGNACIO)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 2, 2009.

S169459 F047634 Fifth Appellate District

**PEOPLE v. HERNANDEZ
(JOSE IGNACIO ELORZA)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 2, 2009.

S169476 G038830 Fourth Appellate District, Div. 3

**PEOPLE v. CHAVEZ (JOSE
OSCAR)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 2, 2009.

S169508 A114910 First Appellate District, Div. 5

**PEOPLE v. RODRIGUEZ
(EDGARDO)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 3, 2009.

S169513 A117870/A120152 First Appellate District, Div. 1 **OAKLAND, CITY OF v.
JURICH (PAUL R.)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 6, 2009.

S169533 C055057/C055128 Third Appellate District

**PEOPLE v. HUNDAL
(KANWALJIT)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 3, 2009.

S169547 E043286 Fourth Appellate District, Div. 2

**PEOPLE v. OLSON
(CHARLES RICHARD)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 7, 2009.

S169548 C056200 Third Appellate District**WALLIS (DALE M.) v. PHL ASSOCIATES, INC.**

The time for granting or denying review in the above-entitled matter is hereby extended to April 3, 2009.

S169552 C057112 Third Appellate District**T. (J.), IN RE**

The time for granting or denying review in the above-entitled matter is hereby extended to April 7, 2009.

S169598 C056330 Third Appellate District**PEOPLE v. ROBINSON (LARRY)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 8, 2009.

S169666 D050686 Fourth Appellate District, Div. 1**BREWER (CHRISTINE) v. PREMIER GOLF PROPERTIES**

The time for granting or denying review in the above-entitled matter is hereby extended to April 8, 2009.

S022998**PEOPLE v. TOWNSEL (ANTHONY LETRICE)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender C. Delaine Renard's representation that she anticipates filing the appellant's opening brief by November 1, 2009, counsel's request for an extension of time in which to file that brief is granted to April 20, 2009. After that date, only four further extensions totaling about 190 additional days are contemplated.

S024046**PEOPLE v. O'MALLEY (JAMES FRANCIS)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Nanette Winaker's representation that she anticipates filing the respondent's brief by May 31, 2009, counsel's request for an extension of time in which to file that brief is granted to April 24, 2009. After that date, only one further extension totaling about 40 additional days is contemplated.

S029551**PEOPLE v. JOHNSON (JOE EDWARD)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Kent Barkhurst's representation that he anticipates filing the appellant's opening brief by August 2009, counsel's request for an extension of time in which to file that brief is granted to April 21, 2009. After that date, only two further extensions totaling about 120 additional days are contemplated.

S029843**PEOPLE v. BECK (JAMES DAVID) & CRUZ (GERALD DEAN)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender William T. Lowe's representation that he anticipates filing appellant Gerald Dean Cruz's reply brief by July 2010, counsel's request for an extension of time in which to file that brief is granted to April 27, 2009. After that date, only eight further extensions totaling about 450 additional days are contemplated.

S030402**PEOPLE v. TULLY (RICHARD CHRISTOPHER)**

Extension of time granted

Good cause appearing, and based upon counsel James S. Thomson's representation that he anticipates filing the appellant's reply brief by April 30, 2009, counsel's request for an extension of time in which to file that brief is granted to April 30, 2009. After that date, no further extension is contemplated.

S051342**PEOPLE v. CUNNINGHAM (JOHN)**

Extension of time granted

Good cause appearing, and based upon counsel Brian A. Pori's representation that he anticipates filing the appellant's reply brief by December 15, 2009, counsel's request for an extension of time in which to file that brief is granted to April 15, 2009. After that date, only four further extensions totaling about 240 additional days are contemplated.

S062180**PEOPLE v. VALDEZ
(RICHARD)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Gary D. Garcia's representation that he anticipates filing the appellant's reply brief by February 26, 2010, counsel's request for an extension of time in which to file that brief is granted to April 27, 2009. After that date, only five further extensions totaling about 300 additional days are contemplated.

S062259**PEOPLE v. SCULLY
(ROBERT WALTER)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Margot Garey's representation that she anticipates filing the appellant's opening brief by March 2010, counsel's request for an extension of time in which to file that brief is granted to April 24, 2009. After that date, only six further extensions totaling about 330 additional days are contemplated.

S076175**PEOPLE v. LOY (ELOY)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Marianne D. Bachers's representation that she anticipates filing the appellant's reply brief by October 16, 2009, counsel's request for an extension of time in which to file that brief is granted to April 24, 2009. After that date, only three further extensions totaling about 180 additional days are contemplated.

S080276**PEOPLE v. NG (CHARLES
CHITAT)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to March 9, 2009.

S082776**PEOPLE v. REED (ENNIS)**

Extension of time granted

Good cause appearing, and based upon counsel Gail Harper's representation that she anticipates filing the appellant's opening brief by February 28, 2010, counsel's request for an extension of time in which to file that brief is granted to April 10, 2009. After that date, only six further extensions totaling about 320 additional days will be granted.

S084292**ROGERS (DAVID KEITH) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon counsel A.J. Kutchins's representation that he anticipates filing the traverse by March 26, 2009, counsel's request for an extension of time in which to file that document is granted to March 26, 2009. After that date, no further extension is contemplated.

S090499**PEOPLE v. LIVINGSTON
(DAVID JAMES)**

Extension of time granted

Good cause appearing, and based upon counsel Robert Wayne Gehring's representation that he anticipates filing the appellant's opening brief by June 30, 2009, counsel's request for an extension of time in which to file that brief is granted to April 14, 2009. After that date, only one further extension totaling about 80 additional days is contemplated.

S091915**PEOPLE v. NUNEZ (DANIEL)
& SATELE (WILLIAM)**

Extension of time granted

On application of appellant Daniel Nunez and good cause appearing, it is ordered that the time to serve and file appellant's reply brief is extended to April 28, 2009.

S093235**PEOPLE v. JOHNSON
(JERROLD ELWIN)**

Extension of time granted

Good cause appearing, and based upon counsel William D. Farber's representation that he anticipates filing the appellant's opening brief by September 2, 2009, counsel's request for an extension of time in which to file that brief is granted to April 16, 2009. After that date, only three further extensions totaling about 140 additional days are contemplated.

S094890**PEOPLE v. MANIBUSAN
(JOSEPH KEKOA)**

Extension of time granted

Good cause appearing, and based upon counsel David S. Adams's representation that he anticipates filing the appellant's opening brief by June 2010, counsel's request for an extension of time in which to file that brief is granted to April 24, 2009. After that date, only seven further extensions totaling about 420 additional days are contemplated.

S095223**PEOPLE v. BLOOM (ROBERT
MAURICE)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender William T. Lowe's representation that he anticipates filing the appellant's opening brief by July 13, 2009, counsel's request for an extension of time in which to file that brief is granted to April 14, 2009. After that date, only two further extensions totaling about 90 additional days are contemplated.

S099274**PEOPLE v. BROOKS
(DONALD LEWIS)**

Extension of time granted

Good cause appearing, and based upon counsel John L. Staley's representation that he anticipates filing the appellant's opening brief by March 23, 2009, counsel's request for an extension of time in which to file that brief is granted to March 23, 2009. After that date, no further extension is contemplated.

S103087**PEOPLE v. POST (JOHN)**

Extension of time granted

Good cause appearing, and based upon counsel Ralph H. Goldsen's representation that he anticipates filing the appellant's opening brief by June 15, 2009, counsel's request for an extension of time in which to file that brief is granted to April 15, 2009. After that date, only one further extension totaling about 60 additional days is contemplated.

S105908**PEOPLE v. GHOBRIAL
(JOHN SAMUEL)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Denise Anton's representation that she anticipates filing the appellant's opening brief by October 27, 2009, counsel's request for an extension of time in which to file that brief is granted to April 27, 2009. After that date, only three further extensions totaling about 180 additional days are contemplated.

S112442**PEOPLE v. SMITH, JR.,
(PAUL GORDON)**

Extension of time granted

Good cause appearing, and based upon counsel Kathy Moreno's representation that she anticipates filing the appellant's opening brief by February 2010, counsel's request for an extension of time in which to file that brief is granted to April 14, 2009. After that date, only five further extensions totaling about 300 additional days are contemplated.

S144019**SMITH, JR., (ROBERT LEE)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Scott F. Kauffman's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by April 16, 2009, counsel's request for an extension of time in which to file that document is granted to April 16, 2009. After that date, no further extension is contemplated.

S151243**TOBIN (CHRISTOPHER
ALLAN) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Harry Joseph Colombo's representation that he anticipates filing the informal response to the petition for writ of habeas corpus by July 17, 2009, counsel's request for an extension of time in which to file that document is granted to April 17, 2009. After that date, only two further extensions totaling about 90 additional days are contemplated.

S153780**CARTER (DEAN PHILLIP)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Federal Public Defender Brad D. Levenson's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by April 24, 2009, counsel's request for an extension of time in which to file that brief is granted to April 24, 2009. After that date, no further extension is contemplated.

S153790**CARTER (DEAN PHILLIP)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Federal Public Defender Alexandra W. Yates's representation that she anticipates filing the reply to the informal response to the petition for writ of habeas corpus by April 24, 2009, counsel's request for an extension of time in which to file that document is granted to April 24, 2009. After that date, no further extension is contemplated.

S155689**DAVENPORT (JOHN GALEN)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Federal Public Defender Statia Peakheart's and David R. Evans's representation that they anticipate filing the reply to the informal response to the petition for writ of habeas corpus by March 16, 2009, counsel's request for an extension of time in which to file that document is granted to March 16, 2009. After that date, no further extension is contemplated.

S156659**PRIETO (ALFREDO) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Federal Public Defender Craig Harbaugh's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by March 9, 2009, counsel's request for an extension of time in which to file that brief is granted to March 9, 2009. After that date, no further extension is contemplated.

S165680

C056385 Third Appellate District

**PEOPLE v. PICKLESIMER
(ANDREW NELSON)**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to March 28, 2009.

S166221

H030110 Sixth Appellate District

**SONNE (GORDON ALBERT
& THERESSA LYNN),
MARRIAGE OF**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to March 16, 2009. No further extensions of time are contemplated.

S168950 B195213 Second Appellate District, Div. 1**RUNYON (L. RICHARD) v.
BOARD OF TRUSTEES OF
CALIFORNIA STATE
UNIVERSITY**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to March 30, 2009.

S049596**PEOPLE v. BRYANT
(STANLEY), SMITH
(DONALD FRANKLIN) &
WHEELER (LEROY)**

Order appointing Habeas Corpus Resource Center filed

Upon request of appellant Stanley Bryant for appointment of counsel, the Habeas Corpus Resource Center is hereby appointed to represent appellant Stanley Bryant for habeas corpus/executive clemency proceedings related to the above automatic appeal now pending in this court.

Any “petition for writ of habeas corpus will be presumed to be filed without substantial delay if it is filed . . . within 36 months” of this date (Supreme Ct. Policies Regarding Cases Arising From Judgments of Death, policy 3, timeliness std. 1-1.1), and it will be presumed that any successive petition filed within that period is justified or excused (see *In re Clark* (1993) 5 Cal.4th 750, 774-782), in light of this court’s delay in appointing habeas corpus/executive clemency counsel on behalf of appellant Stanley Bryant.

S114228**PEOPLE v. DUONG (ANH
THE)**

Order appointing Habeas Corpus Resource Center filed

Upon request of appellant for appointment of counsel, the Habeas Corpus Resource Center is hereby appointed to represent appellant Anh The Duong for habeas corpus/executive clemency proceedings related to the above automatic appeal now pending in this court.

S050583**PEOPLE v. HOWARD
(DEMETRIUS CHARLES)**

Order filed

Respondent’s “Application for Leave to File Respondent’s Supplemental Brief That Exceeds the Word Limit” is granted.

S170387**HARRISON ON
RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of PHILIP B. HARRISON, State Bar No. 38377, as a member of the State Bar of California is accepted.

S170388**MARTIN ON RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of HELEN ROWLAND MARTIN, State Bar No. 95484, as a member of the State Bar of California is accepted.

S170392**MARTIN ON RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of JAN TERRY L MARTIN, State Bar No. 165683, as a member of the State Bar of California is accepted.

S170395**MCKENZIE ON
RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of DALE WILFRED MCKENZIE, State Bar No. 42982, as a member of the State Bar of California is accepted.

S170396**MITCHELL ON
RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of SHERRI STEVENSON MITCHELL, State Bar No. 130395, as a member of the State Bar of California is accepted.

S170398**MYERS ON RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of JAMES HUGH MYERS, State Bar No. 72063, as a member of the State Bar of California is accepted.

S170401**SCHUMAKER ON
RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of DIANE JOY SCHUMAKER, State Bar No. 154742, as a member of the State Bar of California is accepted.

S170403**STERN ON RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of KENNETH MARTIN STERN, State Bar No. 58396, as a member of the State Bar of California is accepted.

S170406**STRICKLAND ON
RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of RICHARD FREDERICK STRICKLAND, State Bar No. 60074, as a member of the State Bar of California is accepted.

S170407**UNDERWOOD ON
RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of SHARON LYNN UNDERWOOD, State Bar No. 144673, as a member of the State Bar of California is accepted.

**BAR MISC. 4186 IN THE MATTER OF THE APPLICATION OF THE COMMITTEE
OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA
FOR ADMISSION OF ATTORNEYS (MOTION NO. 857)**

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(SEE ORIGINAL APPLICATION FOR THE LIST OF NAMES ATTACHED.)